

3728

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GALBRAITH et al.

Serial No.: 10/053,499

Filed: January 18, 2002

Art Unit: 3728

Examiner: Marie D. Patterson

Atty. Docket No.: 02-093

FOOTWEAR INSOLES

#10/Selection
4/23/03
J. Hart
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Pittsburgh, Pennsylvania

RESPONSE TO ELECTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Election Requirement mailed March 19, 2003, Applicants provisionally elect Species I (Figures 2-6, 12 and 13) with traverse. The Examiner required Applicants to elect between Species I (Figures 2-6, 12 and 13), Species II (Figures 7 and 7a), Species III (Figure 8), Species IV (Figure 9), Species V (Figures 10 and 10b), and Species VI (Figure 11).

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

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deposited with the United States Postal Service on April 16, 2003 with sufficient postage as first-class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

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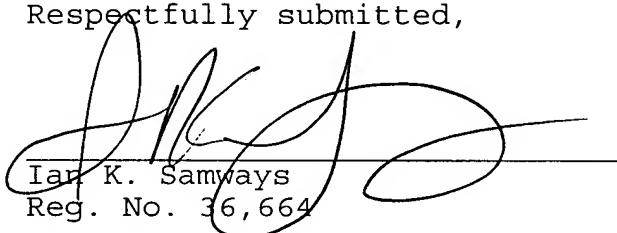
At present, at least Claims 1-3, 18-22 and 26-28 appear to be generic, whilst at least Claims 1-8 and 11-28 appear to be readable on the elected species.

Applicants respectfully suggest that the Examiner will not be required to make an additional search in considering the inventions described in the currently pending claims. MPEP § 803, in relevant part, states that:

"[i]f the search and examination of an entire application can be made without serious burden, the examiner >must<** examine it on the merits...**"

Accordingly, it is respectfully requested that the Examiner withdraw the Election Requirement.

Respectfully submitted,



Ian K. Samways
Reg. No. 36,664

Dated: April 16, 2003

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